

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

In Re:	)	
	)	
Len Salas,	)	Case No. 3:18-bk-02662
	)	Chapter 7
Debtor.	)	Judge Harrison
_____	)	
	)	
Nicolaas Brekelmans and Gail Gregory	)	
Brekelmans, Co-Personal Representatives	)	
of the Estate of Nina Brekelmans	)	
	)	
and	)	
	)	
Michael McLoughlin and Martha	)	
Johnson, Co-Personal Representatives	)	
of the Estate of Michael Patrick	)	
McLoughlin,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Ad Pro No. 3:20-ap-90027
	)	
Max Salas,	)	
	)	
Defendant.	)	

**COUNTER-APPELLANT’S DESIGNATION OF  
RECORD ON APPEAL AND STATEMENT OF ISSUES**

COMES NOW Max Salas (“Counter-Appellant” or “Salas”), and pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, respectfully (i) designates the items listed below as the record on appeal from the *Order on Motion for Summary Judgment* (Docket No. 102) and related *Memorandum Opinion* (Doc. No. 101)<sup>1</sup> (collectively, the “Order”) entered in the above-

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<sup>1</sup> Unless otherwise noted, the Docket Numbers cited herein reference Case No. 3:20-ap-90027, though some documents filed in the main bankruptcy case are also relevant to this counter-appeal.

referenced matter on May 23, 2023, by the United States Bankruptcy Court for the Middle District of Tennessee, the Honorable Marian F. Harrison (the “Bankruptcy Court”), and (ii) presents his statements of issues on appeal.

**A. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

<b>Item No.</b>	<b>Case No.</b>	<b>Docket No.</b>	<b>Date Filed</b>	<b>Description</b>
1.	3:20-ap-90027	1	3/2/2020	Complaint
2.	3:20-ap-90027	40	2/16/21	Amended Complaint
3.	3:20-ap-90027	42	3/9/21	Answer to Amended Complaint
4.	3:20-ap-90027	73	8/1/22	Plaintiffs’ Motion for Summary Judgment
5.	3:20-ap-90027	74	8/1/22	Brief in Support of Plaintiffs’ Motion for Summary Judgment
6.	3:20-ap-90027	75	8/12/22	Defendant’s Objection to Plaintiffs’ Motion for Summary Judgment
7.	3:20-ap-90027	76	8/23/22	Plaintiffs’ Response to Defendant’s Objection to Plaintiffs’ Motion for Summary Judgment
8.	3:20-ap-90027	77	9/12/22	Order Scheduling Hearing on Plaintiffs’ Motion for Summary Judgment
9.	3:20-ap-90027	79	9/19/22	Plaintiffs’ Amended Response to Defendant’s Objection to Plaintiffs’ Motion for Summary Judgment
10.	3:20-ap-90027	81	9/28/22	Defendant’s Response to Plaintiffs’ Supplemental List of Undisputed Facts
11.	3:20-ap-90027	83	1/5/23	Order Scheduling Hearing
12.	3:20-ap-90027	89	2/21/23	Defendant’s Motion for Summary Judgment
13.	3:20-ap-90027	90	2/21/23	Defendant’s Statement of Undisputed Facts
14.	3:20-ap-90027	91	2/21/23	Defendant’s Brief in Support of Motion for Summary Judgment

15.	3:20-ap-90027	92	2/21/23	Supplemental Memorandum in Support of Plaintiffs' Motion for Summary Judgment
16.	3:20-ap-90027	94	3/7/23	Defendant's Response to Plaintiffs' Supplemental Memorandum
17.	3:20-ap-90027	95	3/7/23	Plaintiffs' Opposition to Defendant's Motion for Summary Judgment
18.	3:20-ap-90027	100	3/26/23	Plaintiffs' Second Supplemental Brief in Support of Plaintiffs' Motion for Summary Judgment
19.	3:20-ap-90027	101	5/24/23	Memorandum Opinion
20.	3:20-ap-90027	102	5/24/23	Order on Motions for Summary Judgment
21.	3:20-ap-90027	104	6/7/23	Plaintiffs' Motion to Alter or Amend
22.	3:20-ap-90027	107	6/21/23	Defendant's Response to Plaintiffs' Motion to Alter or Amend
23.	3:20-ap-90027	109	8/16/23	Order Denying Plaintiff's Motion to Alter or Amend
24.	3:20-ap-90027	113	8/28/23	Plaintiffs' Motion for Leave to Appeal
25.	3:18-bk-02662	Claim No. 5	8/7/18	Claim of Estate of Michael Patrick McLoughlin
26.	3:18-bk-02662	Claim No. 6	8/7/18	Claim of Estate of Nina Brekelmans

## B. STATEMENT OF ISSUES ON APPEAL

- I. Whether the Bankruptcy Court erred in denying Salas' motion for summary judgment on Count I, pursuant to 11 U.S.C. § 544(a)(3).<sup>2</sup>
- II. Whether the Bankruptcy Court erred in denying Salas' motion for summary judgment on Count II, pursuant to 11 U.S.C. § 544(a)(1).
- III. Whether the Bankruptcy Court erred in denying Salas' motion for summary judgment on Count III, pursuant to 11 U.S.C. § 544(a)(2).

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<sup>2</sup> More specifically, the central issue as to whether the Court should have granted Salas' motion for summary judgment on Counts I, II, and III, is whether the Court should have found that the Plaintiffs' recording of their judgment against Max Salas and Len Salas in the District of Columbia Recorder of Deeds put all third parties on inquiry notice of facts that would defeat a good faith claim to the property (whether by a bona fide purchaser, a lienholder, or a creditor).

/s/ Phillip G. Young

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Phillip G. Young, Jr.

Thompson Burton PLLC

One Franklin Park

6100 Tower Circle, Suite 200

Franklin, Tennessee 37067

Tel: 615-465-6008

[phillip@thompsonburton.com](mailto:phillip@thompsonburton.com)

Attorneys for Max Salas